

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

In re: Vitamins Antitrust Litigation

Misc. No. 99-197 (TFH)

MDL No. 1285

This Document Relates To:

**FILED**

Kellogg Company v. BASF AG, et al.  
(No. 99-1996 (TFH))

**MAR 07 2002**

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

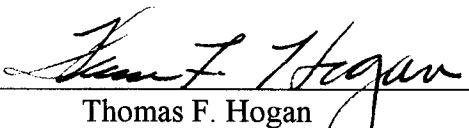
**ORDER DISMISSING DEFENDANTS E. MERCK,  
MERCK KGaA AND EM INDUSTRIES WITH PREJUDICE**

This matter being presented to the Court in connection with the unopposed motion of Plaintiff Kellogg Company to Dismiss Defendants E. Merck, Merck KGaA and EM Industries with prejudice,

IT IS HEREBY ORDERED that the Third Amended Complaint in this action is dismissed with prejudice solely against Defendants E. Merck, Merck KGaA and EM Industries. This Order is without prejudice to Plaintiff Kellogg Company's claims against any other Defendant or alleged co-conspirator in the above-captioned case.

IT IS SO ORDERED.

Dated: March 7, 2002

  
Thomas F. Hogan  
United States District Judge